

Calendar No. 624

109TH CONGRESS
2D SESSION**S. 374****[Report No. 109–344]**

To provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2005

Mr. THUNE (for himself and Mr. JOHNSON) introduced the following bill;
which was read twice and referred to the Committee on Indian Affairs

SEPTEMBER 20, 2006

Reported by Mr. MCCAIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 ~~This Act may be cited as the “Tribal Parity Act”.~~

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Pick-Sloan Missouri River Basin Pro-
4 gram (authorized by section 9 of the Act of Decem-
5 ber 22, 1944 (commonly known as the “Flood Con-
6 trol Act of 1944”) (58 Stat. 891)), was approved to
7 promote the general economic development of the
8 United States;

9 (2) the Fort Randall and Big Bend dam and
10 reservoir projects in South Dakota—

11 (A) are major components of the Pick-
12 Sloan Missouri River Basin Program; and

13 (B) contribute to the national economy;

14 (3) the Fort Randall and Big Bend projects in-
15 undated the fertile bottom land of the Lower Brule
16 and Crow Creek Sioux Tribes, which greatly dam-
17 aged the economy and cultural resources of the
18 Tribes;

19 (4) Congress has provided compensation to sev-
20 eral Indian tribes, including the Lower Brule and
21 Crow Creek Sioux Tribes, that border the Missouri
22 River and suffered injury as a result of 1 or more
23 Pick-Sloan Projects;

24 (5) the compensation provided to those Indian
25 tribes has not been consistent;

1 (6) Missouri River Indian tribes that suffered
 2 injury as a result of 1 or more Pick-Sloan Projects
 3 should be adequately compensated for those injuries;
 4 and that compensation should be consistent among
 5 the Tribes; and

6 (7) the Lower Brule Sioux Tribe and the Crow
 7 Creek Sioux Tribe, based on methodology deter-
 8 mined appropriate by the General Accounting Office,
 9 are entitled to receive additional compensation for
 10 injuries described in paragraph (6), so as to provide
 11 parity among compensation received by all Missouri
 12 River Indian tribes.

13 **SEC. 3. LOWER BRULE SIOUX TRIBE.**

14 Section 4(b) of the Lower Brule Sioux Tribe Infra-
 15 structure Development Trust Fund Act (Public Law 105-
 16 132; 111 Stat. 2565) is amended by striking
 17 “\$39,300,000” and inserting “\$186,822,140”.

18 **SEC. 4. CROW CREEK SIOUX TRIBE.**

19 Section 4(b) of the Crow Creek Sioux Tribe Infra-
 20 structure Development Trust Fund Act of 1996 (Public
 21 Law 104-223; 110 Stat. 3027) is amended by striking
 22 “\$27,500,000” and inserting “\$105,917,853”.

23 **SECTION 1. SHORT TITLE.**

24 *This Act may be cited as the “Lower Brule and Crow*
 25 *Creek Tribal Compensation Act”.*

1 **SEC. 2. FINDINGS.**

2 *Congress finds that—*

3 *(1) the Pick-Sloan Missouri River Basin Pro-*
4 *gram (authorized by section 9 of the Act of December*
5 *22, 1944 (commonly known as the “Flood Control Act*
6 *of 1944”) (58 Stat. 891)), was approved to promote*
7 *the general economic development of the United*
8 *States;*

9 *(2) the Fort Randall and Big Bend dam and*
10 *reservoir projects in South Dakota—*

11 *(A) are major components of the Pick-Sloan*
12 *Missouri River Basin Program; and*

13 *(B) contribute to the national economy;*

14 *(3) the Fort Randall and Big Bend projects in-*
15 *undated the fertile bottom land of the Lower Brule*
16 *and Crow Creek Sioux Tribes, which greatly damaged*
17 *the economy and cultural resources of the Tribes;*

18 *(4) Congress has provided compensation to sev-*
19 *eral Indian tribes, including the Lower Brule and*
20 *Crow Creek Sioux Tribes, that border the Missouri*
21 *River and suffered injury as a result of 1 or more*
22 *Pick-Sloan Projects;*

23 *(5) the compensation provided to those Indian*
24 *tribes has not been consistent;*

25 *(6) Missouri River Indian tribes that suffered*
26 *injury as a result of 1 or more Pick-Sloan Projects*

1 *should be adequately compensated for those injuries,*
 2 *and that compensation should be consistent among the*
 3 *Tribes; and*

4 *(7) the Lower Brule Sioux Tribe and the Crow*
 5 *Creek Sioux Tribe are entitled to receive additional*
 6 *compensation for injuries described in paragraph (6).*

7 **SEC. 3. LOWER BRULE SIOUX TRIBE.**

8 *Section 4(b) of the Lower Brule Sioux Tribe Infra-*
 9 *structure Development Trust Fund Act (Public Law 105–*
 10 *132; 111 Stat. 2565) is amended by striking “\$39,300,000”*
 11 *and inserting “\$129,822,085”.*

12 **SEC. 4. CROW CREEK SIOUX TRIBE.**

13 *Section 4(b) of the Crow Creek Sioux Tribe Infrastruc-*
 14 *ture Development Trust Fund Act of 1996 (Public Law*
 15 *104–223; 110 Stat. 3027) is amended by striking*
 16 *“\$27,500,000” and inserting “\$69,222,084”.*

17 **SEC. 5. TREATMENT AS FINAL COMPENSATION.**

18 *This Act shall be considered to be full and final com-*
 19 *pensation to the Lower Brule Sioux Tribe and the Crow*
 20 *Creek Sioux Tribe for damages caused by construction of*
 21 *the Fort Randall Dam and the Big Bend Dam under the*
 22 *Pick-Sloan Missouri River Basin Program.*

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